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5 || Counsel for Defendant ALEXANDER

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) No. CR-07-00488 CW
11 Plaintiff,)
12) **STIPULATION AND ORDER**
13) **CONTINUING SENTENCING HEARING**
14 vs.)
15 ANDRE MATTHEWS, et al.) Hearing Date: July 23, 1008
) Requested Date: August 13, 2008
Defendant.)

16 The United States, through its counsel Keslie Stewart, and defendant BOBBY
17 ALEXANDER, through his counsel Garrick Lew, hereby agree and stipulate to a continuance of
18 the sentencing hearing in this case presently scheduled for Wednesday, July 23, 2008 to August
19 13, 2008 before this Court.

20 On June 30, 2008, counsel for defendant lodged objections to the draft 35 day
21 presentence report requesting that the probation officer address possible pre-sentence state
22 credits pursuant to § 5G1.3 of the guidelines for defendant's undischarged term of imprisonment
23 while defendant was incarcerated in 2007 in Contra Costa County and detained by the Parole

24 Board for the State of California for relevant conduct to the instant offense of conviction.
25 Counsel has undertaken efforts to obtain records from Contra Costa County Superior Court and
26 the Parole Board for the State of California and has been informed by these state agencies that

1 the records will not be available this week. Once the requested records are available, the
2 probation officer will require time to assess and evaluate the information provided. Furthermore,
3 defense counsel will be on vacation from July 12 through July 19, 2008 and will not be available
4 to prepare and file defendant's sentencing memorandum 5 days prior to defendant's sentencing
5 date.

6 Probation officer Brian Casai and AUSA Keslie Stewart do not oppose defendant's
7 request to continue the sentencing date to August 13, 2008.

8

9 SO STIPULATED.

10 Dated: July 9, 2008



11 GARRICK S. LEW
12 Attorney for Bobby Alexander

13
14 Dated: July 9, 2008

15 _____
16 /s/
17 Keslie Stewart
18 Assistant United States Attorney

19
20 ORDER

21 Based on the stipulation of the parties and the facts set forth herein, good cause
22 appearing,

23 IT IS HEREBY ORDERED that defendant's sentencing hearing scheduled for July 23,
24 2008 is vacated and sentencing is continued to 2 p.m. on August 13, 2008.

25
26 DATED: 9/10/08

27 _____
28 Claudia Wilken
29 United States District Court Judge